

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICKY A. SHAW,	:	CIVIL ACTION NO. 1109-CV-359
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	
CUMBERLAND TRUCK EQUIPMENT	:	
CO.,	:	
Defendant	:	

ORDER

AND NOW, this 23rd day of November, 2010, upon consideration of the report of United States Magistrate Judge William T. Prince (Doc. 33), recommending that defendant's motion for summary judgment (Doc. 21) be denied, and, following an independent review of the record and noting that defendant Cumberland Truck Equipment Co., filed objections¹ to the report on September 16, 2010 (Doc. 36), and the court finding Judge Prince's analysis to be thorough and well-reasoned, and the court finding defendant's objections to be without merit and squarely addressed by Judge Prince's report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The report of Magistrate Judge Prince (Doc. 33) is ADOPTED.
2. Defendant's motion for summary judgment (Doc. 21) is DENIED.
3. This matter shall be scheduled for trial by future order of the court.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge